

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

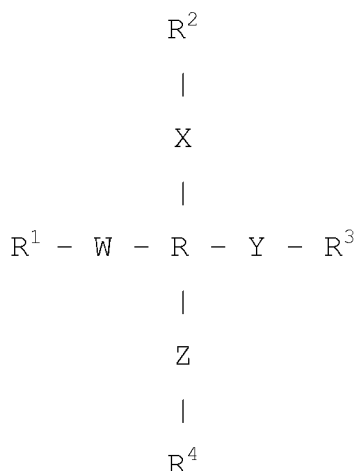
**Listing of Claims:**

1-43 (canceled).

44. (currently amended) A preparation in the form of an emulsion comprising a lipophilic outer phase and a hydrophilic inner phase, wherein the outer phase comprises at least one polyvalent ester, at least one volatile silicone and optionally further lipophilic additives, and the inner phase contains an aqueous medium and optionally hydrophilic additives, wherein the preparation further includes at least one emulsifier and a solids phase, wherein the polyvalent ester is selected from the group consisting of (1) polyvalent, at least divalent alcohols each with at least two acid residues, (2) polyvalent, at least divalent acids and at least two respective alcohol residues, and (3) polyvalent alcohols and polyvalent acids, wherein the chain length of the residues originating from the alcohol is C<sub>2</sub> to C<sub>60</sub> and the chain length of the residues originating from acids is C<sub>4</sub> to C<sub>60</sub>, wherein the ester has a melting point in the range of 40 to 200°C, wherein the ~~cosmetic preparation is selected from the group consisting of lip rouge, blusher, makeup, eyeshadow, camouflage and a concealer~~ preparation is suitable in the area of decorative cosmetics for caring for, colouring and improving skin, lips and eyelids and wherein the cosmetic preparation is a lip rouge, blusher, makeup, eyeshadow, camouflage or a concealer.

45. (previously presented) A preparation, in particular a cosmetic preparation according to claim 44, wherein the polyvalent ester has further functional groups selected from the group consisting of hydroxyl, carboxyl, amino, acid amide, ester groups and mixtures thereof.

46. (previously presented) A preparation according to claim 44, wherein the polyvalent ester component contains a compound formula I:



wherein R is a linear, branched or cyclic hydrocarbon residue with 1 to 8 carbon atoms, W, X, Y, Z are each independently of each other -C(O)O-,

-OC(O)-, -O-, -NR<sup>5</sup><sub>2</sub> or -NC(O)- and each of the residues R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, R<sup>4</sup> and R<sup>5</sup> respectively independently denotes a linear or branched, long-chain hydrocarbon residue.

47. (previously presented) A preparation according to claim 46, wherein the polyvalent ester is a compound of formula I, wherein W, X, Y and Z each signify an ester group, R signifies C and at least three of the residues R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup> and R<sup>4</sup> respectively

independently signify a C<sub>6</sub> to C<sub>24</sub> alkyl residue and the fourth of the residues signifies H or a C<sub>6</sub> to C<sub>24</sub> alkyl residue.

48. (previously presented) A preparation according to claim 44, wherein in the ester component the sum of the carbon atoms of alcohol and carboxylic acid residues is in a range of 35 to 150.

49. (previously presented) A preparation according to claim 44, wherein the polyvalent ester is a pentaerythritol ester.

50. (previously presented) A preparation according to claim 49, wherein the pentaerythritol ester is selected from the group consisting of pentaerythrityl tetramyristate, tristearate, tetrastearate, triisostearate, tetraisostearate, tribehenate, tetrabehenate, tetra-(ethylhexyl-dodecanoate), tri-(12-hydroxy)-stearate, tetra-(12-hydroxy)-stearate, trierucate, tetraerucate, tetramelissinate and mixtures thereof.

51. (withdrawn) A preparation according to claim 48, wherein the ester is selected from the group consisting of behenyl behenate, behenyl mellisinate, isostearylethylhexyl dodecanoate and mixtures thereof.

52. (withdrawn) A preparation according to claim 44, wherein the preparation includes exclusively ingredients which can be derived from plants and/or which are mineral and/or synthetic and in that respect is completely free from substances which derive from animals.

53. (withdrawn) A preparation according to claim 44, further including a wax with a dropping point of between 50 and 200°C.

54. (withdrawn) A preparation according to claim 44, further including a wax with a dropping point of between 60 and 150°C.

55. (withdrawn) A preparation according to claim 44, further including a wax with a dropping point of between 75 and 120°C.

56. (withdrawn) A preparation according to claim 50, wherein the wax has both at least one alcohol residue and also at least one carboxylic acid residue which has a saturated or singly or multiply unsaturated straight-chain or branched hydrocarbon component.

57. (withdrawn) A preparation according to claim 56, wherein the wax is a mixture of candellila wax and carnauba wax.

58. (previously presented) A preparation according to claim 44, wherein the polyvalent ester is contained in a range of between 0.5 and 20 percent by weight.

59. (previously presented) A preparation according to claim 44, wherein the polyvalent ester is contained in a range of between 2 and 12 percent by weight.

60. (previously presented) A preparation according to claim 44, wherein the volatile silicone oil is selected from the group consisting of hexamethyl cyclotrisiloxane, octamethyl cyclotetrasiloxane, decamethyl cyclopentasiloxane, dodecamethyl cyclohexasiloxane, hexamethyl disiloxane, octamethyl trisiloxane, decamethyl tetrasiloxane, dodecamethyl pentasiloxane and mixtures thereof.

61. (previously presented) A preparation according to claim 44, further including a non-volatile silicone oil in an amount of less than 5 percent by weight.

62. (previously presented) A preparation according to claim 44, wherein the silicone oil is a non-volatile silicone oil or

mixtures of non-volatile silicone oils.

63. (previously presented) A preparation according to claim 61, wherein the non-volatile silicone oil is selected from the group consisting of dimethyl polysiloxanes with differing chain length and differing viscosity, and arylated silicone oils selected from the group consisting of phenyldimethicone, phenyltrimethicone, diphenyldimethicone and mixtures thereof.

64. (previously presented) A preparation according to claim 44, wherein the emulsifier is a W/O emulsifier or a mixture of W/O emulsifier and W/S emulsifier.

65. (previously presented) A preparation according to claim 44, wherein the emulsifier is a non-ionogenic W/O emulsifier.

66. (previously presented) A preparation according to claim 65, wherein the non-ionogenic W/O emulsifier is selected from the group consisting of sorbitan sesquioleate, sorbitan laurate, soya sterol, PEG-5 soya sterol, polyglyceryl-4 isostearate, polyglyceryl-2-PEG-4 isostearate, polyglyceryl-2 sesquiisostearate, cetyl-PEG/PPG dimethicone, trioylel phosphate, trioeth-8-phosphate, trilaureth-4-phosphate and mixtures thereof.

67. (withdrawn) A preparation according to claim 44, wherein a stabilisation agent is included.

68. (withdrawn) A preparation according to claim 67, wherein the stabilisation agent is an inorganic salt which is soluble in a water phase.

69. (withdrawn) A preparation according to claim 68, wherein the inorganic salt is selected from the group consisting of sodium

chloride, potassium chloride, sodium sulphate, magnesium sulphate and mixtures thereof.

70. (previously presented) A preparation according to claim 67, wherein the stabilisation agent is contained in an amount of 0.05 to 3 percent by weight in the water phase.

71. (withdrawn) A preparation according to claim 67, wherein the stabilisation agent is contained in an amount of 0.3 to 2 percent by weight in the water phase.

72. (withdrawn) A preparation according to claim 67, wherein an agent for keeping the preparation moist is additionally contained in the water phase.

73. (withdrawn) A preparation according to claim 72, wherein the moistening agent is selected from the group consisting of propylene glycol, dipropylene glycol, tripropylene glycol, butylene glycol, glycerine, diglycerine, triglycerine, sorbitol, mannitol, xylitol, glucose, fructose, sucrose, carbamide (urea), lactic acid, citric acid, pyrrolidone carboxylic acid (PCA) or salts of said acids, and mixtures thereof.

74. (withdrawn) A preparation according to one of claims 72, wherein the agent is contained in the water phase in an amount of 0.1 to 5 percent by weight.

75. (withdrawn) A preparation according to one of claims 72, wherein the agent is contained in the water phase in an amount of 1 to 3 percent by weight.

76. (previously presented) A preparation according to claim 44, wherein the solid phase comprises fillers, effect substances, inorganic pigments, organic pigments and mixtures thereof.

77. (withdrawn) A preparation according to claim 76, wherein the filler is selected from the group consisting of talcum, kaolin, starch, modified starch, polytetrafluoroethylene powder, nylon powder, boronitride, Mg stearate, Ca stearate, Sr stearate, Zn stearate, and mixtures thereof.

78. (previously presented) A preparation according to claim 76, wherein the solid phase is contained in quantitative proportions in a range of 0 to 40 percent by weight.

79. (previously presented) A preparation according to claim 76, wherein the solid phase is contained in quantitative proportions in a range of 5 to 30 percent by weight.

80. (previously presented) A preparation according to claim 76, wherein the solid phase is contained in quantitative proportions in a range of 8 to 20 percent by weight.

81. (previously presented) A preparation according to claim 76, wherein the inorganic pigment is a nanopigment with a particle size of 5 to 50 nm, which is selected from the group consisting of titanium dioxide, zinc oxide, zirconium oxide, cerium oxide, aluminium oxide, silicon dioxide, and mixtures thereof.

82. (previously presented) A preparation according to claim 81, wherein the nanopigment is contained in an amount of 2 to 20 percent by weight.

83. (previously presented) A preparation according to claim 81, wherein the nanopigment is contained in an amount of 5 to 10 percent by weight.

84. (previously presented) A preparation according to claim 81, wherein the nanopigment is combined with oil-soluble UV-A and

UV-B light filter substances.

85. (previously presented) A preparation according to claim 84, wherein the oil-soluble UV-A and UV-B light filter substances are 4-methylbenzylidene camphor and isoamyl p-methoxycinnamate.

86. (previously presented) A preparation according to claim 76, wherein the inorganic pigment is selected from the group consisting of titanium dioxide, zinc oxide, iron oxides, chrome oxide, hydrated chrome oxide, ultramarine, Berlin Blue (Ferric Blue), mica, mica coated with titanium dioxide, mica coated with titanium dioxide and metal oxides, bismuth oxide chloride, coated bismuth oxide chloride, metal powder in flake form of aluminium, brass, bronze, copper, silver, gold, and mixtures thereof.

87. (withdrawn) A preparation according to claim 76, wherein the organic pigment comprise organic colouring agents with at least one of aluminium, barium, calcium, strontium and zirconium.

88-89. (canceled).

90. (currently amended) A preparation according to ~~claim 88~~ claim 44, wherein the cosmetic preparation is an agent for fixing lipstick or lip rouge, a care foundation, a skin care agent or a sun protection agent.

91. (previously presented) A preparation according to claim 44, wherein the preparation is a workable paste in the form of a water-in-silicone emulsion with a complex viscosity of 800 to 6,000 Pas and a zero viscosity of 200,000 to 1,200,000 Pas, (shearing rate at zero viscosity  $0.00005 \text{ s}^{-1}$ ; temperature 298.15 K).



92. (withdrawn) A process for the production of a preparation according to claim 44, wherein the particulate phase is dispersed in the volatile silicone, separately therefrom the ester component is melted and the hydrophobic ingredients are added, in a separate operation the aqueous phase is heated to the temperature of the ester component and the hydrophilic ingredients are added, then all three constituents are brought together, homogenised and then cooled and possibly as soon as the emulsion has approximately reached body temperature temperature-sensitive constituents such as fragrances are added.